

1 AARON D. FORD
2 Attorney General
3 Ashley Balducci (Bar. No. 12687)
4 Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 555 E. Washington Ave., #3900
8 Las Vegas, NV 89101
9 (702) 486-3086 (phone)
10 (702) 486-2377 (fax)
11 ABalducci@ag.nv.gov
12 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 MARCUS HUNT,

11 Petitioner,

12 vs.

13 BRIAN WILLIAMS, *et al.*,

14 Respondents.

Case No. 2:14-cv-01054-RFB-NJK

**JOINT PROPOSED SCHEDULING ORDER
AND REQUEST TO CONTINUE
EVIDENTIARY HEARING
(SECOND REQUEST)**

16
17 The parties, through their undersigned counsel, hereby propose the following scheduling order to
18 this Court. The parties met and conferred by telephone on January 29, 2019. The parties request and agree
19 to the following in good faith and not for the purpose of delay:

- 20 1. **Hearing.** The parties jointly request that the evidentiary hearing be scheduled on or after May
21 27, 2019, excluding June 10 through June 14, 2019, to allow the parties additional time to
22 prepare and conduct any necessary discovery.¹ Since the last extension, the parties have been
23 working diligently to familiarize themselves with this case, as counsel for both parties are
24 newly assigned to this matter. Both parties are experiencing unavoidable constraints on
25 resources, necessitating a second extension. Specifically, counsel for Petitioner's support staff
26 will be out of the office on extended family medical leave at the time of the current setting.

27
28 ¹ The parties agree that no party is entitled to discovery in these proceedings absent a specific request made by a party for leave to conduct discovery granted by this Court.

Further, counsel for Respondents anticipates a significant increase in new case assignments in the coming month due to the promotions and transfers of colleagues associated with the new administration. Counsel for Respondents are also losing a support staff member in that internal reorganization, and it is unknown when the position will be re-filled. As such, counsel for Respondents needs to provide the remaining staff adequate time to cover all administrative needs for not only this case, but the rest of the unit. Among other scheduling constraints, counsel for Petitioner has been notified by the Ninth Circuit Court of Appeals that he may be scheduled for oral argument during the week of April 15 through 19, 2019, the week of May 13 through 17, 2019, or the week of June 10 through 14, 2019. In light of these issues, the parties respectfully request this second continuance of the evidentiary hearing.

2. **Initial Experts.** At this time, the parties do not anticipate disclosing any experts. In the event that a party retains an initial expert, that party will disclose the expert along with their complete report within ninety (90) days from the date of the evidentiary hearing set by this Court, or by **February 11, 2019**, whichever date comes later. The parties expect such disclosure shall be made by e-mail or other informal means, and do not expect to file a formal notice unless otherwise ordered by this Court.
3. **Rebuttal Experts.** Within thirty (30) days from the disclosure of initial experts, or by **March 13, 2019**, whichever date comes later, the parties agree to disclose to each other the names of any rebuttal experts along with their complete report. The parties expect such disclosure shall be made by e-mail or other informal means, and do not expect to file a formal notice unless otherwise ordered by this Court.
4. **Pre-Hearing Motions.** At this time, the parties do not anticipate any pre-hearing motions; however, in the event that issues arise that are necessary for this Court to resolve before the evidentiary hearing, the parties agree to file any pre-hearing motions no later than forty-five (45) days before the date of the hearing. The schedule for the briefing of such motions will be pursuant to LR 7-2(b).
5. **Witness List and Exhibit List.** The parties agree to each file a Witness List and separate Exhibit List no later than forty-five (45) days before the date of the hearing. The parties

1 envision filing a joint exhibit list detailing all of the exhibits both agree are admissible. The
2 parties will file separate exhibit lists for any remaining exhibits that the parties did not jointly
3 agree are admissible.

4 6. **Submission and Marking of Exhibits.** Unless this Court prefers otherwise, the parties agree
5 to mark and submit exhibits with this Court's staff the day before the hearing.

6 7. **Pre-Hearing Briefs.** The parties will file pre-hearing briefs at this Court's request.

7 DATED February 1, 2019.

8 Respectfully submitted by:

9 AARON D. FORD
10 Attorney General

RENE L. VALLADARES
Federal Public Defender

11 /s/ Ashley Balducci
12 ASHLEY BALDUCCI (Bar. No. 12687)
Deputy Attorney General
Attorney for Respondents

/s/ S. Alex Spelman
S. Alex Spelman (Bar No. 14278)
Assistant Federal Public Defender
Attorney for Petitioner

13 ORDER

14
15 IT IS ORDERED that the Evidentiary hearing set for March 13, 2019 : is vacated
16 and continued to May 31, 2019 at 9:30 AM in LV Courtroom 7C.

17 

18 RICHARD F. BOULWARE, II
19 United States District Judge

20 Dated: February 5, 2019

